

JUVENILE COURT MATTER



STEPPARENT ADOPTION (UNCONTESTED)

The following documents are used with stepparent adoption actions

- *Instructions: Important Notices, Introduction, and Detailed Instructions for Forms*
- *Petition for Stepparent Adoption*
- *Consent of Parent to Adoption and Waiver of Notice of Adoption Hearing*
- *Consent to Adoption by Child Age 14 or Older*
- *Ex Parte Motion to Waive Post-Placement Assessment and Report, Affidavit in Support of Motion to Waive Post-Placement Assessment and Report, and Order Granting Motion to Waive Post-Placement Assessment and Report*
- *Stepparent Affidavit Checklist (in lieu of Post-Placement Assessment Report)*
- *Ex Parte Motion to Waive Residency Requirement, Affidavit in Support of Motion to Waive Residency Requirement, and Order Granting Motion to Waive Residency Requirement*
- *Communication or Contact Agreement and Order*
- *Proposed Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption*

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

IMPORTANT NOTICES

1.  Before a child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give written consent to the child's adoption or that parent's parental rights must be terminated by the Court if they have not already been terminated. These stepparent adoption forms can be used only in cases where the non-petitioning parent voluntarily consents to the child's adoption or where that parent's rights to the child have already been terminated. You **CANNOT** use these forms if the non-petitioning parent refuses to consent to the stepparent adoption. If the non-petitioning parent refuses to consent to the adoption, you will need to consult a lawyer.
2.  Adoptions involving an Indian child (a child who is a member or eligible for membership in an Indian tribe) are more complex than adoptions involving non-Indian children. You **CANNOT** use these forms if the child to be adopted is an Indian child. Instead, you should consult an attorney to ensure that all of the legal requirements for adopting an Indian child are met.
3. If the child to be adopted is age 14 or older, that child must provide written consent to the adoption.
 - If your child is the subject of a child in need of protection or services (CHIPS) proceeding, the Court may not be able to immediately decide your request for stepparent adoption.
 - Court personnel and the county attorney's office **CANNOT** help you fill out these forms.
 - You should talk to a lawyer if you don't know how to answer the questions in these forms.
 - You **MUST** fill out all forms listed on the cover page, and you **MUST** follow the instructions listed below.
 - You **MUST** type your answers or print neatly using **black** ink (do not use blue ink).
 - The Judge expects every person who appears in Court without a lawyer to know and to follow the law. If you act as your own lawyer, you must do what a lawyer would do.

INTRODUCTION

This introduction summarizes general information about stepparent adoptions. See “Detailed Instructions” on page 5 for an explanation of how to fill out these forms.

Legal Consequences of Stepparent Adoption: When a stepparent adopts a child, there are legal consequences to the child, to the child’s birth parents, and to the adopting parents. Following is a brief summary of some of the key consequences, but you should contact an attorney to learn about all of the consequences:

- Adoption by a stepparent does not change the legal relationship between the child and the child’s birth parent who is married to the adopting stepparent.
- The non-petitioning parent whose parental rights are terminated by the stepparent adoption will have no rights over the child or the child’s property, will have no future child support obligation, and will no longer have parental custody or visitation rights regarding the child unless a communication or contact agreement is signed by the parties as part of the adoption proceedings.
- When the adoption is finalized, the child becomes the legal child of the stepparent and the stepparent becomes the legal parent to the child, with all of the rights, responsibilities, and duties as if the child was the stepparent’s child by birth.
- As a result of the adoption, the child shall inherit from the adoptive parent the same as though the child was born to the parent.
- The adoption of a child whose birth parent or parents are enrolled in an Indian tribe shall not change the child’s enrollment in that tribe.

Venue/Location for Adoption Proceeding: Stepparent adoptions must be filed (take place) in the county where the petitioner/stepparent resides. However, if the child is under the guardianship of the Commissioner of Human Services, the stepparent adoption must be filed (take place) in the county where the termination of parental rights proceeding is filed. Upon request, the Court may change the location or venue to another county.

Child’s Consent to Adopt: If the child to be adopted is age 14 or older, the child must give written consent to the adoption. See court form ADO204 – Consent to Adoption by Child Age 14 or Older.

Parent’s Consent to Adopt: Before a child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give written consent to the child’s adoption or that parent’s parental rights must be terminated by the Court if they have not already been terminated. You cannot use these forms if the non-petitioning parent refuses to consent to the adoption.

Communication or Contact Agreement: Even though the child’s non-petitioning parent has consented to the child’s adoption, that parent may still contact or communicate with the child if all parties agree in writing and if that agreement is filed with and approved by the Court as part of the adoption proceeding.

Stepparent One Year Residency in Minnesota: A stepparent who has resided in Minnesota for one year or more may petition to adopt one or more children. Upon request, the one-year residency requirement may be reduced to 30 days by the Court whenever it appears to be in the best interest of the child. The form to request waiver of the one-year residency requirement must be filed with the court.

Biological Parent Social and Medical History: In a stepparent adoption, the birth parent is not required to provide the prospective adoptive parent with the social and medical history of the birth family.

Adoption Study: An adoption study is not required in stepparent adoptions.

Post-placement Assessment:

- Upon the filing of the stepparent adoption petition, if a child placing agency is not involved in the adoption the Court must immediately refer the petition to the local social services agency in the county where the prospective adoptive parent lives to conduct a post-placement assessment and file a report with the Court within 90 days of the agency's receipt of the petition. The petitioner must pay the cost of the post-placement assessment. The assessment must evaluate the child's environment, the home of the petitioners, the health and well-being of the child in the prospective adoptive home, whether the child's cultural and ethnic practices are being met, whether the adoptive placement meets the needs of the child, and must include a background study, including fingerprint check, of all adults in the home age 13 or older. The assessment report must make a recommendation as to whether the adoption should be granted.
- The petitioners in a stepparent adoption may ask the Court to waive the post-placement assessment and report. The form to request waiver of the post-placement assessment must be completed and filed with the court.
- Some Courts waive the post-placement assessment and report and instead require the Petitioner's to submit a Stepparent Affidavit Checklist (a written statement made under oath) regarding the length of marriage, criminal background information, and other important information.
- Even if the post-placement assessment and report is waived by the Court, the Court must still order the county social services agency to conduct a background study, including fingerprint check, for all persons in the home age 13 or older.

Background Study: Upon the filing of a petition for stepparent adoption, if a child placing agency is not involved in the adoption the Court must refer the petition to the local social services agency in the county where the prospective adoptive parent lives so that the agency may conduct a background study, including fingerprint check, regarding all persons in the home age 13 or older. The background study and fingerprint check cannot be waived.

Minnesota Fathers' Adoption Registry Search: In stepparent adoptions, the agency responsible for the background study must also request a search of the Minnesota Fathers' Adoption Registry to determine whether a putative father is registered in relation to the child to be adopted. Proof of the search must be filed with the Court before the adoption may be granted.

Child's Birth Certificate: You will need to file with the Court a certified copy of the birth certificate of each child to be adopted.

**When filling out these forms, please type the responses or use BLACK ink
(do not use blue ink)**

INSTRUCTIONS

Step 1

Fill Out the *Petition for Stepparent Adoption Form*

FILL OUT THE TOP PART OF THE *PETITION FOR STEPPARENT ADOPTION FORM* (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Petition for Stepparent Adoption form*):

1. Print the full name of the parent and stepparent.
2. Print the date of birth of the parent and stepparent.
3. Print the date the Petitioners (parent and stepparent) were married, and the county and state in which the marriage took place.
4. Print the Petitioners' (parent and stepparent) current address.
5. Print the date the Petitioners (parent and stepparent) began living in Minnesota, and check the correct box as to whether the length of time in Minnesota has been at least one year or less than one year and the Petitioner is filing a request to waive the residency requirement and reduce and reduce it to 30 days.

6. List the current full name of each child to be adopted, along with the child's current age, date of birth, county and state of birth, name of birth mother, and name of birth father.
7. If the child(ren) owns any real estate, savings or bank accounts, bonds, securities or other personal property (other than clothing or personal effects of low market value), make a list of that property and attach that list as the last page of the Petition for Stepparent Adoption.
8. Obtain a certified copy of the birth certificate for each child and mail or bring it to the Court along with this Petition (see Step 11).
9. If the child is an Indian child, special laws apply to the child's adoption. Check whether the child is or is not an Indian child and, if the child is an Indian child, check whether the Indian Child Welfare Act (ICWA) does or does not apply. If the child is an Indian child you must stop because you CANNOT use these forms for an adoption of an Indian child.
10. Do not write anything in question 10.
11. Do not write anything in question 11.
12. Do not write anything in question 10.
13. Print the name of the non-petitioning parent.
14. Do not write anything in question 14 (but you need to make sure that the local social services agency has requested a search of the Fathers' Adoption Registry and the results of the search are located in the court file).
15. Print the name and address of each of the persons listed in question 15.
16. Do not write anything in question 11.
17. Check one of the two boxes.
18. Check one of the two boxes.
19. Do not write anything in question 19.
20. Do not write anything in question 20.
21. Do not print anything in question 21.
22. Print each child's current name and the new name you want each child to have after the adoption is finalized.
23. Place a check mark next to each of the items you are including with the petition you are filing with the court.



DO NOT SIGN AND DATE YOUR *PETITION FOR STEPPARENT ADOPTION* UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR COURT ADMINISTRATOR – WAIT UNTIL STEP 8 TO SIGN THE DOCUMENTS. MAKE SURE TO BRING IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC/COURT ADMINISTRATOR.

Step 2

Obtain Signed Consent to Adopt from Child's Parent

Before a child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give written consent to the child's adoption or that parent's parental rights must be terminated by the Court if they have not already been terminated. These forms can be used only in cases where the non-petitioning parent consents to the stepparent adoption. You CANNOT use these forms if the non-petitioning parent refuses to consent to the stepparent adoption.

FILL OUT THE TOP PART OF THE *CONSENT OF PARENT TO ADOPTION AND WAIVER OF NOTICE OF ADOPTION HEARING FORM* (this is known as "the caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.
- On the first line print the name of the non-petitioning parent who is being asked to consent to the stepparent adoption.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Consent of Parent to Adoption* form):

1. Print the date of birth, age, and address of the non-petitioning parent who is being asked to consent to the stepparent adoption.
2. Print the name of the child(ren) to be adopted; check the box whether the child is male or female; print the date of the child's birth; and print the city and state in which the child was born.
3. Print the name of the stepparent proposing to adopt the child.
4. Do not write anything in question 4.
5. Do not write anything in question 5.
6. Print the name and address of the courthouse where the adoption proceeding is taking place.

7. Do not write anything in question 7.

GIVE THE CONSENT OF PARENT TO ADOPTION AND WAIVER OF NOTICE OF ADOPTION HEARING FORM TO THE NON-PETITIONING PARENT TO SIGN.



- IMPORTANT:** The non-petitioning parent **MUST** sign the consent form in the presence of two competent witnesses and in front of a notary public or court administrator.
- Once the other parent has signed the form, retrieve the original signed form (you must give a copy of the signed form to the non-petitioning parent if requested).
 - Once the form has been signed, keep the original until Step 11.

Step 3

Obtain Signed Consent to Adopt from Child Age 14 or Older

If the child to be adopted is age 14 or older, that child must consent to the adoption. You will need one consent form for each child age 14 or older. You may skip this Step and go to Step 4 if the child to be adopted is under age 14.

FILL OUT THE TOP PART OF THE CONSENT TO ADOPTION BY CHILD AGE 14 OR OLDER FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- On the first line print the name of the child age 14 or older who is being asked to consent to the stepparent adoption.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Consent to Adoption* form):

1. Print the date of birth, age, and address of the child who is being asked to consent to the stepparent adoption.
2. Print the name of the stepparent who is adopting the child.

GIVE THE CONSENT TO ADOPT BY CHILD AGE 14 OR OLDER FORM TO THE CHILD TO SIGN.



IMPORTANT: The child **MUST** sign the consent form in the presence of two competent witnesses and in front of a notary public or court administrator.

- Once the child has signed the form, retrieve the original signed form (you must give a copy of the signed form to the child if requested).
- Once the form has been signed, keep the original until Step 11.

Step 4

If necessary, fill out the Motion to Waive One-Year Residency Requirement, Affidavit in Support of Motion to Waive One-Year Residency Requirement, and Order Granting Motion to Waive One-Year Residency Requirement

If you do not intend to ask the Judge to waive the one year residency requirement, you may skip this step and go to Step 5.

A stepparent who has resided in Minnesota for one year or more may petition to adopt one or more children. Upon request, the one-year residency requirement may be reduced to 30 days by the Court whenever it appears to be in the best interest of the child.

If you have not lived in Minnesota for at least one year and you want to have the one-year residency requirement waived and reduced to 30 days, you will need to fill out three documents:

- Ex parte Motion to Waive One-Year Residency Requirement,
- Affidavit in Support of Motion to Waive One-Year Residency Requirement, and
- Order Waiving One-Year Residency Requirement

FILL OUT THE TOP PART OF THE *EX PARTE MOTION TO WAIVE ONE-YEAR RESIDENCY REQUIREMENT* FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

Sign and date the Motion to Waive One-Year Residency Requirement (this does not have to be done in front of a notary public).

FILL OUT THE TOP PART OF THE *AFFIDAVIT IN SUPPORT EX PARTE MOTION TO WAIVE ONE-YEAR RESIDENCY REQUIREMENT* FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- Write in the name of the parent and stepparent who is adopting the child.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Affidavit* form):

1. Do not write anything in question 1.
2. Print the date the Petitioners were married and the date the child began living with the Stepparent.
3. Print the name of the each child and the child’s date of birth.
4. Do not write anything in question 4.
5. Do not write anything in question 5.



DO NOT SIGN AND DATE YOUR AFFIDAVIT UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR COURT ADMINISTRATOR – WAIT UNTIL STEP 8 TO SIGN THE DOCUMENT. MAKE SURE TO BRING IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC/COURT ADMINISTRATOR.

FILL OUT THE TOP PART OF THE *ORDER GRANTING EX PARTE MOTION TO WAIVE ONE-YEAR RESIDENCY REQUIREMENT* FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
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- Leave the rest of the form blank – the judge will fill in the rest of the information.

Keep the original until Step 11.

Step 5

If necessary, fill out the Motion to Waive the Post-Placement Assessment, Affidavit in Support of Motion to Waive Post-Placement Assessment, and Order Granting Motion to Waive Post-Placement Assessment

If you do not intend to ask the Judge to waive the Post-Placement Assessment, you may skip this step and go to Step 6.

- Upon the filing of the stepparent adoption petition, the Court must immediately refer the petition to the local social services agency in the county where the prospective adoptive parent lives to conduct a post-placement assessment and file a report with the Court within 90 days of the agency's receipt of the petition. The petitioner must pay the cost of the post-placement assessment. The assessment must evaluate the child's environment, the home of the petitioners, the health and well-being of the child in the prospective adoptive home, whether the child's cultural and ethnic practices are being met, whether the adoptive placement meets the needs of the child, and must include a background study, including fingerprint check, of all adults in the home age 13 or older. The assessment report must make a recommendation as to whether the adoption should be granted.
- The petitioners in a stepparent adoption may ask the Court to waive the post-placement assessment and report.
- Even if the post-placement assessment and report is waived by the Court, the Court must still order the county social services agency to conduct a background study, including fingerprint check, for all persons in the home age 13 or older.
- If the post-placement assessment and report is waived by the Court, the judge may instead require the petitioners to complete an affidavit (a written statement made under oath) regarding the length of marriage, criminal background information, and other important information.

If you want to have the post-placement assessment waived, you will need to fill out three documents:

- Ex Parte Motion to Waive Post-Placement Assessment,
- Affidavit by Petitioner in Support of Motion to Waive Post-Placement Assessment, and
- Order Waiving Post-Placement Assessment

FILL OUT THE TOP PART OF THE *EX PARTE MOTION TO WAIVE POST-PLACEMENT ASSESSMENT* FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.
- In the second paragraph, print the name of the county where the adoption is taking place.
- Sign and date the Motion to Waive the Post-Placement Assessment (this does not have to be done in front of a notary public).

FILL OUT THE TOP PART OF THE AFFIDAVIT IN SUPPORT EX PARTE MOTION TO WAIVE POST-PLACEMENT ASSESSMENT FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- Print the name of the county where the adoption is taking place.
- Write in the name of the parent and stepparent who are adopting the child.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Affidavit* form):

1. Do not write anything in question 1.
2. Do not write anything in question 2.
3. Print the date the Petitioners were married and the date the child began living with the Stepparent.
4. Print the name and date of birth of each child being adopted.
5. Do not write anything in question 5.
6. Do not write anything in question 6.
7. Do not write anything in question 7.
8. Print the name of the parent and his/her occupation and the name of the stepparent and his/her occupation.
9. Print the Petitioner’s (parent/stepparent) address.
10. Do not write anything in question 10.
11. Do not write anything in question 11.
12. Do not write anything in question 12.
13. Do not write anything in question 13.
14. Do not write anything in question 14.
15. Do not write anything in question.



DO NOT SIGN AND DATE YOUR *AFFIDAVIT* UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR COURT ADMINISTRATOR – WAIT UNTIL STEP 8 TO SIGN THE DOCUMENT. MAKE SURE TO BRING IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC/COURT ADMINISTRATOR.

FILL OUT THE TOP PART OF THE *ORDER GRANTING EX PARTE MOTION TO WAIVE POST-PLACEMENT ASSESSMENT FORM* (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- Print the name of the stepparent and the name of the child.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Order* form):

1. Do not write anything in question 1.
2. Print the name of the county in which the adoption is taking place.
3. Do not write anything in question 3.
4. Do not write anything in question 4.
5. Leave the rest of the order blank for the judge to fill in the date and sign.

Keep the original until Step 11.

Step 6

Fill out the *Communication and Contact Agreement* form if you and the non-petitioning parent agree that the parent should have contact with the child after the adoption

If you do not intend to enter into a communication or contact agreement with the other parent, you may skip this step and go to Step 7.

Even though the child's non-petitioning birth parent has consented to the child's adoption (which normally stops all contact with the child), that parent may still contact or communicate with the child if all parties agree in writing and if that agreement is filed with the Court as part of the adoption proceeding.

FILL OUT THE TOP PART OF THE *COMMUNICATION AND CONTACT AGREEMENT* FORM (this is known as "the case caption"):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the *Communication or Contact Agreement* form):

1. Print the name of the parent who is filing the stepparent adoption petition, the name of the stepparent, the name of the non-petitioning parent who is consenting to the adoption, the name of each child, whether each child is male or female, and the date of each child's birth.
2. Do not write anything in question 2.
3. Do not write anything in question 3.
4. Do not write anything in question 4.
5. Do not write anything in question 5.
6. State the date the child began living with the adoptive parents.
7. Do not write anything in question 7.
8. Do not write anything in question 8.
9. Do not write anything in question 9.

10. For question 10:

- a. Print the addresses and phone numbers of the birth mother, birth father, adoptive mother, and adoptive father.
- b. Fill in the information about when you want the adoptive parents are to provide to the birth parent receive photos and letters.
- c. Do not write anything in question 10c.
- d. Fill in how often you want the adoptive parents and birth parents to have meetings with each other.
- e. Do not write anything in question 10e.
- f. Do not write anything in question 10f.
- g. Do not write anything in question 10g.

11. Do not write anything in question 11.



DO NOT SIGN AND DATE THE *COMMUNICATION AND CONTACT AGREEMENT* FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR COURT ADMINISTRATOR. THE BIRTH PARENT AND ADOPTIVE PARENTS MUST GO TO THE NOTARY OR COURT ADMINISTRATOR TOGETHER TO SIGN THE AGREEMENT. MAKE SURE TO BRING IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC/COURT ADMINISTRATOR.

- Once the form has been signed, keep the original until Step 11.

Step 7

Fill out the proposed *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption* form

COMPLETE ONE FORM FOR EACH CHILD TO BE ADOPTED.

FILL OUT THE TOP PART OF THE FORM (this is known as “the case caption”):

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM (instructions that follow are numbered the same as the questions on the form):

1. Print the name of the parent and the name of the stepparent.
2. Print the parent's birth date and the stepparent's birth date.
3. Print the date the parent and stepparent were married and the location of the marriage.
4. Print the current address of the parent and stepparent and check the correct box as to whether the parent and stepparent have or have not lived in Minnesota for at least one year.
5. Print the child's name, the child's date of birth, the city and state of the child's birth, the name of the child's birth mother, and the name of the child's birth father.
6. Do not write anything in question 6.
7. Check the correct box regarding whether the child is or is not an Indian child and whether the Indian Child Welfare Act does or does not apply.
8. Print the date of the petitioners' marriage.
9. Do not write anything in question 9.
10. Do not write anything in question 10.
11. Print the date the non-petitioning parent signed the consent to adopt.
12. Print the date any child age 14 or older signed the consent to adopt.
13. Do not write anything in question 13.
14. Do not write anything in question 14.
15. Do not write anything in question 15.
16. Do not write anything in question 16.
17. Check the correct box about whether you have or have not signed a communication and contact agreement.
18. Do not write anything in question 18.
19. Do not write anything in question 19.

20. Print the child's current full name and the name you want the child to have after the adoption is finalized.

- Keep the original until Step 11.

Step 8

Sign the forms in the presence of a notary public or court administrator

DO NOT SIGN AND DATE YOUR FORMS UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE TO BRING IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC/COURT ADMINISTRATOR.

- When you have filled out all of the forms as instructed in Steps 1 – 7, then take all of the originals of the forms to a notary public (often located at a bank) or the Court Administrator's office in the county where the adoption will take place (see "Venue/Location" on page 3 of these Instructions).
- Tell the notary public or deputy in the Court Administrator's office that you need to have some adoption papers notarized.
- DO NOT sign any of the documents until the notary public or court deputy is watching you sign.

Carefully read the "Verification and Acknowledgement" on the last page of each of the forms. By signing your name, you are telling the Court that you have read and understand each document, that you are telling the truth, and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the Court or if you are serving or filing this document for an improper purpose, the Court can order you to pay money.

Step 9

**Gather the Documents That Must be Included
with Your Petition for Stepparent Adoption**

You must have or obtain the following documents so you can provide them to the Court at the same time as you file your Petition for Stepparent Adoption in Step 11:

- ☐ Original signed and notarized Petition for Stepparent Adoption.
- ☐ A certified copy of the birth certificate of each child to be adopted.
- ☐ The original signed consent of the non-petitioning parent or a certified copy of an order terminating that parent's rights to the child(ren).
- ☐ The original signed consent of each child to be adopted if the child is age 14 or older,

- ☐ Proof that the Minnesota Father's Adoption Registry has been searched – this can be obtained from the county social services agency that conducted the background check.

You may, but are not required, to prepare the following documents so you can provide them to the Court at the same time as you file your Petition for Stepparent Adoption in Step 11:

- ☐ If you decide to ask the judge to waive the Post-Placement Assessment: Notice of Motion and Motion to Waive Post-Placement Assessment and Report, Affidavit in Support of Motion to Waive Post-Placement Assessment, and Order Granting Motion to Waive Post-Placement Assessment.
- ☐ If you decide to ask the judge to waive the one-year residency requirement: Notice of Motion and Motion to Waive One-Year Residency Requirement, Affidavit in Support of Motion to Waive One-Year Residency Requirement, and Order Granting Motion to Waive One-Year Residency Requirement.
- ☐ A copy of any signed Communication or Contact Agreement, if there is an agreement.
- ☐ List of child(ren)'s personal property if such property is of more than nominal value.

Step 10

Make Copies of Documents and Forms

- Make one copy of each of the documents and forms listed under Step 9.
- Keep the **copies** for yourself (make sure to bring your copies with you to court on the day of your adoption hearing – see Step 12).
- You will file the **originals** of each document with the Court Administrator following the instructions at Step 11.

Step 11

File the Forms with the Court, Pay the Filing Fee, and Obtain from Court Administrator Date, Time and Location of Adoption Hearing

The following original documents must be filed with the Court before the Court can set the date for the adoption hearing – you can bring the papers to Court Administrator's office or you can mail the papers to the Court Administrator:

- The **original** of the signed and notarized *Petition for Stepparent Adoption*;
- The **original** of the signed and notarized parent's consent to adoption.
- The **original** of the signed and notarized child's consent to adoption, if the child being adopted is age 14 or older.

- The **original** proof that the Minnesota Father's Adoption Registry has been searched.
- The **original** of the signed and notarized Notice of Motion and Motion to Waive Post-Placement Assessment and Report, Affidavit in Support of Motion to Waive Post-Placement Assessment, and Order Granting Motion to Waive Post-Placement Assessment, if you decide to ask the judge to waive this assessment.
- The **original** signed and notarized Notice of Motion and Motion to Waive One-Year Residency Requirement, Affidavit in Support of Motion to Waive One-Year Residency Requirement, and Order Granting Motion to Waive One-Year Residency Requirement, if you decide to ask the judge to reduce the residency requirement.
- The **original** of the signed and notarized Communication or Contact Agreement if there is one.
- The required filing fee (the court administrator's office can tell you the correct amount).

Once all of the papers are filed, ask the Court Administrator to let you know the date, time, and location of the final adoption hearing.

Step 12

Appear in Court

- **Arrive on time.** For your hearing, plan to arrive at least 15 minutes before your court time.
- **Bring your copies of all the papers you filed with the court.**
- **Bring the child(ren) to be adopted to the hearing.**
- **The hearing is very formal. You are expected to know and follow the court rules of procedure.** You should be respectful to the other party and to everyone in the courtroom. Do not interrupt the judge or other party. Answer any questions from the judge honestly. Direct all your comments to the judge, not the other parties who may be present.
- Courts operate by rules and laws that may not necessarily make sense to you. If you choose to represent yourself, the court rules say that **you are responsible for knowing the law and rules, just like an attorney.** The judge cannot give you special consideration or help because you are not a lawyer.
- **What Happens at the Court Hearing?** At the hearing the judge will review your Petition for Stepparent Adoption and ask you many of the same questions that are in that Petition to be certain that your answers have not changed. At the end of the hearing the judge will issue a decision either granting or denying or request to adopt the child(ren).

Step 13

After the Court Hearing

- Following the hearing, the judge will issue the written order granting or denying the adoption petition. If the petition is granted, the judge will also issue an adoption decree.
- You will need to obtain a certified copy of the Findings of Fact, Conclusions of Law, and Adoption Decree so that you can obtain a new birth certificate for the child(ren).
- Instructions for obtaining a new birth certificate are located on the website for the Department of Health: <http://www.health.state.mn.us/divs/chs/osr/birth.html>